

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.237 of 2009**

1. Shri Mukund A. Vaidya,  
House No.227-B9, Plot No.36A,  
Ganeshpuri, Mapusa, Goa.
2. Shri Shaikh Mahmood,  
Flat No.BS-3, "B" Building,  
A1 Ameen Complex, Cujra,  
St. Cruz, Goa .. Petitioners.

V e r s u s

1. State of Goa  
through the Chief Secretary,  
Secretariat, Porvorim,  
Bardez, Goa.
2. Goa University,  
through the Registrar,  
Taleigao Plateau,  
Goa. .. Respondents

Mr. A. D. Bhohe, Advocate for the petitioners.

Mr. S. Bhandodkar, Additional Government Advocate for  
respondent no.1.

Mrs. A. Agni, Advocate for respondent no.2.

**CORAM : S. C. DHARMADHIKARI**  
**& F. M. REIS,JI**

**Reserved on : 6<sup>th</sup> April, 2011.**

**Pronounced on : 6<sup>th</sup> May, 2011.**

**JUDGMENT : (Per S. C. Dharmadhikari)**

The Petitioners in this Petition seek identical  
relief as the Petitioners in Writ Petition No.609/2008.

However, each one of them has been employed by the second Respondent Goa University. The Goa University in its Affidavit has stated as under :

“Para 2. I say that it is correct that Goa University became functional from 1/6/1985 upon enactment of Goa University Act, 1984. The Agreement referred to paras. 6 and 7 clearly provides that the service conditions of the teaching and non teaching staff of the CPIR would continue till the date they are revised by the Goa University on the lines of service conditions of the Govt. of Goa, without adversely affecting their total emoluments. I further say that in the entire Petition there is not a single statement as to what was the age of retirement of the Petitioners while they were employees of C.P.I.R. under the Bombay University and no statement is made that while they were employees of C.P.I.R. the retirement age of the petitioner was fixed at 60 years. It is stated further that in terms of service conditions of the Petitioners retirement age for non teaching staff under the Bombay University was 58 years at the retirement time.”

2. Thus, in Rejoinder Affidavit all that has been stated by the Petitioners is that their case is based on Goa University Statutes and Rules passed by Government of Goa. They state that they have not relied upon the Agreement

dated 9<sup>th</sup> June, 1987. However, conspicuously, the Petitioners in their Rejoinder have not dealt with paragraph 2 of the reply, which has been reproduced by us above. All that they have stated is that the Goa, Daman and Diu Reorganisation Act, 1987 is very much applicable to their case as the State Government's Rules and Regulations about service conditions of State Government employees are also applicable to the Petitioners. The Petitioners stated regarding enhanced age of retirement of the Government servants from 58 years to 60 years. However, how Section 60 of the Reorganisation Act would be applicable to them and whether they were employed by the Union Territory of Goa, Daman and Diu Administration, has not been clarified at all. In such circumstances, in our view, it is clear that the Petitioners have failed to make out any case which would enable them to seek reliefs identical to the claim made by the Petitioners in Writ Petition No.609/2008. Their case is distinguishable on facts. Hence, Rule is discharged in this Writ Petition. The Petition stands dismissed with no order as to costs.

**S. C. DHARMADHIKARI, J.**

**F. M. REIS, J.**

SMA